



WENDY K. BUSKOP
BUSKOP LAW GROUP, P.C.
SUITE 500
1717 ST. JAMES PLACE
HOUSTON TX 77056

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Russell Earl Morris
Application No. 10/757,005
Filed: January 14, 2004
Attorney Docket No. 1001.18

This is in response to the petition under 37 CFR 1.53, filed April 30, 2004, in response to the Notice of Incomplete Application mailed April 21, 2004, and requesting a filing date of January 14, 2004.

The petition under 37 CFR 1.53 is **GRANTED**.

The instant application was deposited with the USPTO on January 14, 2004. On April 24, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Application" indicating that the application was deposited without drawings and which set a two (2) month shortened statutory period for reply.

In response, on April 30, 2004, the present petition was filed, accompanied by, *inter alia*, eight (8) sheets of drawings. Because the return postcard receipt date-stamped January 14, 2004 properly itemizes the contents of the application package in accordance with MPEP § 503, the Office concludes that four (4) sheets of drawings were filed on January 14, 2004 with the application papers but the drawings were misplaced in the office. The office apologizes for any inconvenience occasioned by the loss of the drawings.

In view of the foregoing, the **petition to accord a filing date of January 14, 2004** will be accorded this application. The petition fee in the amount of \$130.00 will be credited to petitioner's deposit account no. 50-1313 as no fee is due.

This file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of January 14, 2004 using the four (4) sheets of drawings supplied April 30, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions